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ESTUDIO JAUREGUI & ASSOCIATES **BUENOS AIRES, ARGENTINA** 

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EUGENE MALISZEWSKYJ DIRECTOR OF ENGINEERING

September 25, 2008

WRITER'S CONTACT INFORMATION

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Marlene H. Dortch, Secretary Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554

RE: Section 64.2009(e) CPNI Certification Filing

> Request for Waiver EB Docket No. 06-36

Dear Ms. Dortch:

Western Telephone Company (Western), by its attorneys, hereby submits its annual CPNI Certification for 2007, and a request for a waiver of section 64,2009(e) of the Commission's rules to the extent deemed necessary by the Commission.

For the reasons set forth in its response to the FCC's CPNI Inquiry dated September 5, 2008 (File No. EB-08-TC-6020), which is attached hereto, Western hereby requests a waiver of Rule Section 64.2009(e) to permit the resubmission of the instant CPNI certification. Western timely sent its certification to the Commission by reliable overnight express, and has furnished proof of delivery. For reasons unknown, the certification is not in the Commission's records, even though the simultaneously-filed certification for Western's parent company (submitted by the same means) does appear in EB Docket No. 06-36 as timely filed. Western can only conclude that its filing was misplaced by Commission personnel. For good cause shown, it is respectfully submitted that the public interest would be served by a grant of this request, since Western timely transmitted its certification to the Commission by one of the prescribed means of filing.

In other instances, the Commission has granted waivers to allow the late filing of required documents when the public interest is service by allowing such filings. See, e.g., *In the matter of Forty-one Late-Filed Applications for Renewal of Educational Broadcast Service Stations*, DA 07-205, 22 FCC Rcd 879, (2007); *Junior College District of Metropolitan Kansas City, Missouri*, DA 06-2381, 21 FCC Rcd 13770 (WTB 2006); *City Page & Cellular Services, Inc. d/b/a City Beepers*, DA 02-3558, 17 FCC Rcd 26109 (WTB 2002)(Long form application deadline waived because applicants were unaware of deadline); *NPCR, Inc., Petition for Waiver of Rule Section 54.8026*, DA 07-110, 22 FCC Rcd 560, (WCB 2007)(ETC Certification report deadline waived).

If you have any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

Wohn A. Prendergast

Attorney for

Western Telephone Company



Robert Somers, Senior Attorney
Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission
445 12<sup>th</sup> Street, S.W.
Room 4-C124
Washington, D.C. 20554

#### Dear Sir:

Western Telephone Company is in receipt of your letter dated September 5, 2008 in regards to File No. EB-08-TC-6020. Western Telephone Company did file a 47 C.F.R. §64.2009(e) compliance certificate for the calendar year 2007 on February 27, 2008.

Please find attached the copy of Western Telephone Company's EB Docket No. 06-36, Certification of CPNI Filing for Calendar Year 2007 along with a Statement of Compliance. In addition, please find the Federal Express mailing receipt and billing showing delivery of the information to: FCC, Enforcement Bureau; Marlene Dortch, FCC, Office of Secretary; and Best Copy & Printing, Inc.

I, Nancy Blankenhagen, Chief Financial Officer, caused to have Certifications and Statements of Compliance forwarded to the FCC, Marlene Dortch, and Best Copy & Printing, Inc. The packages forwarded to each of the previously named parties contained the Certifications and Statements of Compliance for:

| New Ulm Telecom, Inc.               | 807102 |
|-------------------------------------|--------|
| Western Telephone Company           | 807753 |
| Peoples Telephone Company           | 809556 |
| New Ulm Phonery, Inc.               | 807103 |
| New Ulm Long Distance, Inc.         | 807101 |
| New Ulm Cellular #9, Inc.           | N/A    |
| Hutchinson Telephone Company        | 802989 |
| Hutchinson Telecommunications, Inc. | 818874 |

Further inquiries can be directed to me at 507-233-4252 or nancyblankenhagen@nu-telcom.net.

Sincerely,

Mancy Blankenhagen

CFO

cc: Marcy Greene, Deputy Division Chief

Telecommunications Consumers Division

**Enforcement Bureau** 

Federal Communications Commission

445 12th Street

Room 4A-263

Washington, D.C. 20554

#### AFFIDAVIT OF WESTERN TELEPHONE COMPANY

I, the undersigned, under penalty of perjury, hereby declare as follows:

- 1. I am an officer of Western Telephone Company.
- 2. I have personal knowledge of the representations provided in the foregoing response to the Commission's Enforcement Bureau's letter, dated September 5, 2008, in File No. EB-08-TC-6020, and verify that such representations are true and accurate.
- 3. I further verify that all of the relevant documents and information requested by the Bureau's letter which are in Western Telephone Company's possession, custody, control or knowledge have been produced.

Respectfully submitted,

WESTERN TELEPHONE COMPANY

By: Ylany Blankenka &
Name: Nancy Blankenhagen
Title: (FO

Dated: September 18, 2008



February 25, 2008

Marlene H. Dortch Office of the Secretary **Federal Communications Commission** 445 12th Street, SW, Suite TW-A325 Washington, DC 20554

Re: EB Docket No. 06-36, Certification of CPNI Filing - Calendar Year 2007

Dear Ms. Dortch:

This serves as the below-named Company's "Certification of CPNI Filing for Calendar Year 2007", as ordered in EB Docket No. 06-36.

Company Name: Address

Western Telephone Company 27 North Minnesota Street

New Ulm. MN 56073

Form 499 Filer ID: 807753

Name and Title of Signatory: Nancy Blankenhagen, CFO

I, Nancy Blankenhagen, certify that I am an officer of the Company named above, and that, based on my personal knowledge and acting as an agent for the Company, the Company has established operating procedures that are adequate to ensure compliance with the rules established by the Federal Communications Commission ("FCC") concerning Customer-Proprietary Network Information" ("CPNI"), as set forth in Part 64, Subpart U, of the FCC's Rules and Regulations, 47 C.F.R. § 64.2001 et seq., as revised.

The attached Statement demonstrates such compliance.

The Company has not taken any action (proceedings instituted or petitions filed by the Company at state commissions, the court system, or the FCC) against data brokers in the past year.

The Company has not received any customer complaints in the past year concerning unauthorized release of CPNI.

Company Officer

Dated: 2-25-08

Attachment - Statement of Compliance

Corporate Headquarters New Ulm Telecom, Inc. 27 N. Minnesota St. New Ulm, MN 56073 Voice: 507 354-4111 Fax: 507 354-1982

Redwood Falls NU-Telecom 137 East 2nd St. Redwood Falls, MN 56283 Voice: 507 627-4111

Fax: 507 627-4110

Springfield NU-Telecom 22 South Marshall St. Springfield, MN 56087 Voice: 507 723-4211 Fax: 507 723-4377

Aurelia, IA NU-Telecom 221 Main St. Aurelia, IA 51005 Voice: 712 434-5989 Fax: 712 434-5555

Website: www.nutelecom.net



#### STATEMENT OF COMPLIANCE

The operating procedures of Western Telephone Company ensure compliance with the FCC's CPNI Rules Such procedures are as follows:

#### Use of CPNI in Marketing

Our Company does not use CPNI in any of its marketing efforts, and does not permit the use of, or access to, customer CPNI by our affiliates or any third parties. We use, disclose or permit access to CPNI only for the purposes permitted under 47 U.S.C. Sections 222(c)(1) and (d).

#### CPNI Safeguards

Our Company has designated a compliance officer to maintain and secure the Company's CPNI records and to supervise training of all Company employees.

Our Company trains its personnel as to when they are, and are not, authorized to use or disclose CPNI, and we have an express disciplinary process in place if the rules are violated.

Our Company authenticates the identity of a customer prior to disclosing CPNI based on a customer-initiated telephone contact, online account access, or in-store visit.

Our Company discloses call detail information (CDI) in a customer-initiated call only: after the customer provides a pre-established password; or, at the customer's request, by sending the CDI to the customer's address of record; or by calling back the customer at his or her telephone number of record.

Our Company discloses CPNI to a customer in person at our retail location(s) only when the customer presents a valid photo ID and the ID matches the name on the account or has been properly authenticated.

Our Company establishes passwords with customers in order to authenticate customers prior to providing CDI. Neither passwords nor the backup method for authentication rely on customers' readily available biographical information.

Our Company has established password protection for customers' online accounts.

Our Company includes terms specifying the confidentiality and use of CPNI in its Company includes terms specifying the confidentiality and use of CPNI in its Company with business customers that are served by a dedicated account representative.

New Ulm Telecom, Inc. 27 N. Minnesota St. New Ulm, MN 56073 Voice: 507 354-4111 Fax: 507 354-1982

NU-Telecom 137 East 2<sup>nd</sup> St. Redwood Falls, MN 56283 Voice: 507 627-4111 Fax: 507 627-4110 NU-Telecom 22 South Marshall St. Springfield, MN 56087 Voice: 507 723-4211 Fax: 507 723-4377 Ameria, 1A NU-Telecom 221 Main St. Aurelia, IA 51005 Voice: 712 434-5989 Fax: 712 434-5555

Website: www.nutelecom.net

Our Company notifies a customer immediately of changes in: a customer's password, a customer's response to back-up means of authentication, online account, or address of record.

### CPNI Recordkeeping and Reporting

Our Company is prepared to provide the FCC with written notice, within five business days of any instance where the "opt out" mechanisms do not work properly.

Our Company is prepared to notify the U.S. Secret Service and FBI within seven business days after the occurrence of an intentional, unauthorized (or exceeding authorization), access to, use of, or disclosure of CPNI. We may also notify the customer of such breach, after consulting with the investigatory agency(ies), if we believe there is an extraordinarily urgent need to notify a customer (or class of customers) in order to avoid immediate or irreparable harm. We will notify the customer of the breach after seven business days following notification to the FBI and Secret Service, if such agencies have not requested that we postpone disclosure to the customer.

Our Company will maintain records of any discovered breaches, notices to the Secret Service and FBI, and their responses, for at least two years.

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Original address - 445 12TH ST SW/, 20554

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